



A. REPORT TO THE HEARING EXAMINER

HEARING DATE: July 26, 2016

Project Name: King County PSERN Emergency Communication Tower Extension

Owner: King County

Applicant/Contact: Sarah Teleschow, Odelia Pacific Corporation, 5506 6th Avenue South, Seattle, WA 98108

File Number: LUA16-000418, ECF, SA-H, CU-H, V-H

Project Manager: Matthew Herrera, AICP - Senior Planner

Project Summary: The applicant is requesting Hearing Examiner Site Plan Review, Conditional Use Permit, Variance, and Environmental Threshold Determination (SEPA) for a proposed 25-foot height increase and associated improvements to an existing 150-foot emergency communications tower. The proposal would result in an overall tower height of 175-feet with an antenna and lighting rod extension extending to 193-feet. The project site is the King County Office of Emergency Management located at 3511 NE 2nd Street. The project site is within the Light Industrial (IL) zoning district.

The proposed communications tower improvements are a component of the Puget Sound Emergency Radio Network (PSERN), a voter approved project intended to replace and upgrade the existing regional emergency network used to reach and coordinate emergency responders. Additional improvements to the communications tower include six (6) microwave dishes and two (2) antennas. Equipment and HVAC upgrades will occur within interior of the existing emergency management building. The proposed tower extension and antennas are proposed to be painted to closely match the existing facility.

Project Location: 3511 2nd Street, Renton, WA 98056

Site Area: 9.63 acres



Project Location Map

B. EXHIBITS:

Exhibits 1-9:	As shown in the SEPA Environmental Review Committee Report
Exhibit 10:	SEPA Determination of Non-Significance
Exhibit 11:	Report to the Hearing Examiner
Exhibit 12:	Applicant Project Narrative and CUP/Variance Justification
Exhibit 13:	Applicant PSERN Description
Exhibit 14	Notice of Application w/ Affidavit of Mailing
Exhibit 15	Notice of DNS/Hearing w/Affidavit of Mailing

C. GENERAL INFORMATION:

1. **Owner(s) of Record:** Anthony Wright, King County Department of Information Technology, PSERN, 401 5th Ave., 6th Floor, Seattle, WA 98104
2. **Zoning Classification:** Light Industrial (LI)
3. **Comprehensive Plan Land Use Designation:** Employment Area (EA)
4. **Existing Site Use:** Government Offices and Facilities
5. **Critical Areas:** Wellhead Protection Area Zone 2
Geologically Hazardous Areas.
6. **Neighborhood Characteristics:**
 - a. **North:** City of Renton and King County maintenance facilities Light Industrial (LI) zoning
 - b. **East:** Sunnydale and Leisure Village Manufactured Home Parks Residential Manufactured Home Park (RMH) zoning
 - c. **South:** Vacant King County owned property. Vegetated critical area Resource Conservation (RC) zoning
 - d. **West:** King County maintenance, Liberty Ridge subdivision open space/critical area tracts, Liberty Ridge subdivision. LI, RC, and Residential 10 (R-10) zoning.
6. **Site Area:** 9.63

D. HISTORICAL/BACKGROUND:

<u>Action</u>	<u>Land Use File No.</u>	<u>Ordinance No.</u>	<u>Date</u>
Comprehensive Plan	N/A	5758	06/22/2015
Zoning	N/A	5758	06/22/2015
Annexation	N/A	3143	06/22/1977

E. PUBLIC SERVICES:

1. Existing Utilities

- a. Water: Water service is provided by the City of Renton. There is an existing 12-inch and 8-inch water main on the subject site
 - b. Sewer: Sewer service is provided by the City of Renton. There is an existing 8-inch gravity sewer main on the subject site.
 - c. Surface/Storm Water: The subject site contains private stormwater facilities consisting of conveyances and three stormwater detention ponds.
2. **Streets**: Access to the subject site is via NE 2nd St.
3. **Fire Protection**: City of Renton Fire Department. The subject site contains three (3) fire hydrants

F. APPLICABLE SECTIONS OF THE RENTON MUNICIPAL CODE:

1. **Chapter 2 Land Use Districts**
 - a. Section 4-2-020: Purpose and Intent of Zoning Districts
 - b. Section 4-2-060: Zoning Use Table
 - c. Section 4-2-130: Industrial Development Standards
2. **Chapter 3 Environmental Regulations**
 - a. Section 4-3-050: Critical Area Regulations
3. **Chapter 4 City-Wide Property Development Standards**
4. **Chapter 8 Permits – General and Appeals**
5. **Chapter 9 Permits – Specific**
 - a. Section 4-9-030: Conditional Use Permits
 - b. Section 4-9-090: Environmental Review Procedures
 - c. Section 4-9-200: Master Plan and Site Plan Review
 - d. Section 4-9-250: Variances, Waivers, Modifications, and Alternatives
6. **Chapter 11 Definitions**

G. APPLICABLE SECTIONS OF THE COMPREHENSIVE PLAN:

1. Land Use Element
2. Capital Facilities Element

H. FINDINGS OF FACT (FOF):

1. The applicant requested SEPA Environmental Review, Hearing Examiner Site Plan Review, Conditional Use Permit, and Variance for a 25-foot extension to an existing 150-foot emergency communication tower. The proposed height of the tower would be 175-feet or approximately a 17 percent increase to the existing tower's height.
2. The Planning Division of the City of Renton accepted the above master application for review on June 7, 2016 and determined the application complete on June 10, 2016. The project complies with the 120-day review period.
3. The project site is located at 3511 NE 2nd Street, APN 162305-9138
4. The project site is rectangular in shape, approximately 848-feet in width and 495-feet in depth.
5. The project site is currently developed with the King County Office of Emergency Management.

6. The emergency communications tower is a staffed facility and accessory to the King County Office of Emergency Management. As it is staffed, it is not a Wireless Communications Facility (WCF) as defined by *Renton Municipal Code* (RMC) 4-11-230.
7. Access to the site is provided via NE 2nd Street.
8. The property is located within the Employment Area Comprehensive Plan land use designation.
9. The site is located within the Light Industrial zoning classification.
10. No significant trees or vegetation are proposed to be altered or removed.
11. The site is mapped with Wellhead Protection Area Zone 2 and Geologically Hazardous Area.
12. No clearing and grading or other land disturbances are proposed.
13. The applicant is proposing to begin construction within one (1) to two (2) months following approval. No end date was provided by the applicant.
14. No public comment letters were received.
15. No public or agency comments were received.
16. Pursuant to the City of Renton's Environmental Ordinance and SEPA (RCW 43.21C, 1971 as amended), on June 27, 2016 the Environmental Review Committee issued a Determination of Non-Significance (DNS) for the King County PSERN Emergency Communication Tower Extension (Exhibit 10). A 14-day appeal period commenced on June 30, 2016 and ended on July 15, 2016. No appeals of the threshold determination have been filed as of the date of this report.
17. Representatives from various city departments have reviewed the application materials to identify and address issues raised by the proposed development. These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report and the Departmental Recommendation at the end of this report.
18. **Comprehensive Plan Compliance:** The site is designated Employment Area (EA) on the City's Comprehensive Plan Map. The purpose of the EA designation is to provide significant economic development and employment base for the City and to maintain a variety and balance of uses through zoning which promotes the gradual transition of uses on sites with good access and visibility to more intensive commercial and office uses. The proposal is compliant with the following development standards:

Compliance	Comprehensive Plan Analysis
✓	Goal L-D: Meet regional and local obligations to provide essential public facilities through collaboration with other jurisdictions when possible
✓	Goal L-F: Minimize risk associated with potential aviation incidents on the ground and for aircraft occupants.
✓	Policy L-35: Ensure buildings, roads, and other features are located on less sensitive portions of a site sensitive areas are present.
✓	Policy L-55: Protect public scenic views and public view corridors, including Renton's physical, visual and perceptual linkages to Lake Washington and the Cedar River.
✓	Policy CF-7: Protect public health, enhance environmental quality and promote conservation of man-made and natural resources through appropriate design and installation of public facilities.

✓	Policy CF-10: Coordinate with federal, state, regional and local jurisdictions, private industry, businesses and citizens in the planning, design, and development of facilities serving and affecting the community.
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19. **Zoning Development Standard Compliance:** The site is classified Light Industrial (IL) on the City's Zoning Map. Development in the IL Zone is intended to provide areas for low-intensity manufacturing, industrial services, distribution, storage, and technical schools. Uses allowed in this zone are generally contained within buildings. Material and/or equipment used in production are not stored outside. Activities in this zone do not generate external emissions such as smoke, odor, noise, vibrations, or other nuisances outside the building. The proposal is compliant with the following development standards:

Compliance	IL Zone Develop Standards and Analysis
✓	<p>Lot Dimensions: The minimum lot size permitted in the IL zone is 35,000 sq. ft.</p> <p><u>Staff Comment:</u> The King County Assessor Office has listed the square footage of the property at 419,918 square feet.</p>
✓	<p>Setbacks: The required setbacks in the IL zone are as follows: front yard is 20 feet, side yard is 20 feet, and the rear yard is 20 feet.</p> <p><u>Staff Comment:</u> The existing building is setback approximately 195-feet within the front yard, 197-feet within the west side yard, 226-feet within the east side yard, and 75-feet within the rear yard.</p>
✓	<p>Building Standards: The IL zone has a maximum building coverage of 65% of total lot area or 75% if parking is provided within the building or within a parking garage.</p> <p><u>Staff Comment:</u> No new building or impervious coverage is proposed with the tower extension. The coverage (building and impervious) for the existing site is approximately 40 percent.</p>
See FOF 21 building height variance analysis	<p>Building Height: The IL zone has a maximum height of 100-feet.</p> <p><u>Staff Comment:</u> The existing emergency communications tower is 150-feet and exceeds the IL zone's height limitations. The proposed 25-foot tower extension will further exceed the IL zone's 100-foot height limitation. The applicant has requested a variance to the 100-foot height limitation.</p>
✓	<p>Screening: The City's surface mounted screening regulation (RMC 4-4-095D) requires all on-site surface mounted utility equipment shall be screened from public view. Screening shall consist of equipment cabinets enclosing the utility equipment, solid fencing or a wall of a height at least as high as the equipment it screens, or a landscaped visual barrier allowing for reasonable access to equipment. Equipment cabinets, fencing, and walls shall be made of materials and/or colors compatible with building materials.</p> <p>Industrial Zone Exemption: Surface mounted equipment located in industrial developments that are greater than one hundred feet (100') from residentially zoned property and/or public streets are exempted from requirements in subsection D1 of this Section, General Screening.</p> <p><u>Staff Comment:</u> The surface mounted emergency communications tower is located within an industrial zone and greater than 100-feet from residentially zoned property and public streets and therefore meets the surface mounted equipment exemption.</p>

✓	<p>Landscaping: The City's landscape regulations (RMC 4-4-070) require a 10-foot landscape strip along all public street frontages. Additional minimum planting strip widths between the curb and sidewalk are established according to the street development standards of RMC 4-6-060. Street trees and, at a minimum, groundcover, are to be located in this area when present. For industrial zoned lots abutting a residential zone, a fifteen-foot (15') wide partially sight-obscuring landscaped visual barrier, or ten-foot (10') wide fully sight-obscuring landscaped visual barrier, is required along the common property line. Parking lots shall have perimeter and interior lot landscaping in types and amounts indicated in RMC 4-6-070F.</p> <p><i>Staff Comment: No new landscaping is proposed or required as part of this project. The project site is currently developed with a government facility. The proposed tower extension does not add gross square footage to the property, or equal 50 percent of the assessed property valuation, or exceed other applicability thresholds set forth in RMC 4-4-070B that would otherwise require compliance with the City's landscaping regulations.</i></p>
✓	<p>Tree Retention: The City's adopted Tree Retention and Land Clearing Regulations require the retention of 10 percent of trees in an industrial development.</p> <p>Significant trees shall be retained in the following priority order:</p> <p>Priority One: Landmark trees; significant trees that form a continuous canopy; significant trees on slopes greater than twenty percent (20%); Significant trees adjacent to critical areas and their associated buffers; and Significant trees over sixty feet (60') in height or greater than eighteen inches (18") caliper.</p> <p>Priority Two: Healthy tree groupings whose associated undergrowth can be preserved; other significant native evergreen or deciduous trees; and Other significant non- native trees.</p> <p>Priority Three: Alders and cottonwoods shall be retained when all other trees have been evaluated for retention and are not able to be retained, unless the alders and/ or cottonwoods are used as part of an approved enhancement project within a critical area or its buffer.</p> <p><i>Staff Comment: No clearing or grading, tree/vegetation removal, or new impervious services are proposed. The scope of improvements is limited to the extension of the existing emergency communications tower on the King County Office of Emergency Management building.</i></p>
✓	<p>Parking: Office uses require a minimum of 2 spaces per 1,000 square feet of net floor area and a maximum of 4.5 spaces per 1,000 square feet of net floor area. Office use is a similar use to government facility, which is not identified with specific parking space requirements set forth in RMC 4-4-080F10d.</p> <p><i>Staff Comment: The proposed tower extension does not exceed applicability threshold criteria listed in RMC 4-4-080B1b and therefore compliance with parking regulations is not required.</i></p>

20. **Critical Areas:** Project sites which contain critical areas are required to comply with the Critical Areas Regulations (RMC 4-3-050). The proposal is consistent with the Critical Areas Regulations.

✓	<p>Geologically Hazardous Areas: The City's critical areas map identify slopes on portions of the project site between 15-40 percent. Several of these areas identified on the map</p>
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	<p>are within the existing developed area such as the building footprint and parking lot. It is likely the mapped area is a remnant of the pre-developed site. Other areas mapped with slopes include peripheral undeveloped portions of the site and areas utilized for stormwater facilities.</p> <p><i>Staff Comment: A geotechnical report (Exhibit 8) prepared for the original site development identified no landslide, seismic, erosion, or steep slope areas and prescribed no setback recommendation for the initial development. The proposed tower extension includes no site work or ground disturbances on the property.</i></p>
✓	<p>Wellhead Protection Areas: City critical area map identifies a Wellhead Protection Area Zone 2 on the project site.</p> <p><i>Staff Comment: The proposed tower extension does not include the use, production, storage, treatment, disposal, or management of hazardous materials.</i></p>

21. **Site Plan Review:** Pursuant to RMC 4-9-200B2, Site Plan Review is required for all development in the Employment Area (EA) designation when it is not exempt from Environmental (SEPA) Review. A public hearing before the Hearing Examiner is required as the proposal meets large project scale criteria of RMC 4-9-200D2biv. The proposal is a 17-percent increase in height and therefore considered a major modification requiring a new site plan review application. The proposal is consistent with Site Plan Review Decision Criteria:

Compliance	Site Plan Criteria and Analysis
✓	<p>a. Comprehensive Plan Compliance and consistency.</p> <p><i>Staff Comment: See previous discussion under FOF 18, Comprehensive Plan Analysis.</i></p>
✓	<p>b. Zoning Compliance and Consistency.</p> <p><i>Staff Comment: See discussion under FOF 19, Zoning Development Standard Compliance.</i></p>
✓	<p>c. Off Site Impacts.</p> <p>Structures: Restricting overscale structures and overconcentration of development on a particular portion of the site.</p> <p><i>Staff Comment: The existing 150-foot tower is located in the center of a 9.63 acre site and setback between 241-feet to 461-feet from property lines. The proposal does not exceed maximum lot coverage or setback requirements. The proposed 25-foot emergency communication tower extension is approximately a 17 percent increase in height to the existing tower that does not result in an overscale structure to the existing development or over concentrate development in a particular portion of the site.</i></p> <p>Circulation: Providing desirable transitions and linkages between uses, streets, walkways and adjacent properties.</p> <p><i>Staff Comment: N/A. The proposal is limited to a 25-foot extension to an existing 150-foot emergency communications tower.</i></p> <p>Loading and Storage Areas: Locating, designing and screening storage areas, utilities, rooftop equipment, loading areas, and refuse and recyclables to minimize views from surrounding properties.</p>

	<p><u>Staff Comment:</u> See FOF 19, Zoning Development Standard: Screening</p> <p>Views: Recognizing the public benefit and desirability of maintaining visual accessibility to attractive natural features.</p> <p><u>Staff Comment:</u> Viewshed impacts from residential areas should be minimal as the location, topography, and existing mature vegetation provides screening of the existing tower and proposed extension. Photosimulations (Exhibit 6) provided by the applicant identify view impacts north within the King County and City of Renton facilities area and to the east within the manufactured home park. Significant topographic relief and mature vegetation to the south and west indicate limited viewshed impacts to adjacent areas. The tower extension narrow lattice type construction is unlikely to alter or obstruct any views, particularly to attractive natural features such as Mt. Rainier or Lake Washington. Staff recommends as a condition of approval that the tower be painted a similar color as the existing tower as indicated in the project narrative and photo simulations. No comments were submitted to the City concerning views.</p> <p>Landscaping: Using landscaping to provide transitions between development and surrounding properties to reduce noise and glare, maintain privacy, and generally enhance the appearance of the project.</p> <p><u>Staff Comment:</u> See discussion under FOF 19, Zoning Development Standard: Landscaping. The existing mature vegetation and overall landscape width in excess of 100-feet on the north and east property lines in addition to the forested conditions on vacant county properties and critical area tracts on abutting south and west property boundaries provide an appropriate transition between the neighboring residential uses.</p> <p>Lighting: Designing and/or placing exterior lighting and glazing in order to avoid excessive brightness or glare to adjacent properties and streets.</p> <p><u>Staff Comment:</u> No new lighting is proposed with the tower extension. The existing red flashing beacon on the tower, which is required by the Federal Aviation Administration, would be relocated to the top of the extended tower.</p>
✓	<p>d. On Site Impacts.</p> <p>Structure Placement: Provisions for privacy and noise reduction by building placement, spacing and orientation.</p> <p><u>Staff Comment:</u> The proposed 25-foot emergency communication tower extension will have no impact on privacy or noise. The construction of the tower is anticipated to begin one to two months following permit approval. The applicant has stated the construction will occur during normal work days and work hours. Construction will be limited to City construction hours of 7:00 am to 8:00 pm Monday through Friday with hauling hours from 8:30 am to 3:00 pm.</p> <p>Structure Scale: Consideration of the scale of proposed structures in relation to natural characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian and vehicle needs.</p> <p><u>Staff Comment:</u> The existing emergency communication tower is located within an area of city and county facilities. The location of the tower is setback at distances of 241-feet to the north, 384-feet to the east, 245-feet to the south, and 461-feet to the west. Viewshed impacts are minimal due to setback, topography and existing mature</p>

	<p>vegetation on and offsite. No views are anticipated to be blocked as a result of the 25-foot emergency communication tower extension.</p> <p>Natural Features: Protection of the natural landscape by retaining existing vegetation and soils, using topography to reduce undue cutting and filling, and limiting impervious surfaces.</p> <p><u>Staff Comment:</u> No site development, ground disturbance, or new impervious area is proposed with the 25-foot emergency communication tower extension.</p> <p>Landscaping: Use of landscaping to soften the appearance of parking areas, to provide shade and privacy where needed, to define and enhance open spaces, and generally to enhance the appearance of the project. Landscaping also includes the design and protection of planting areas so that they are less susceptible to damage from vehicles or pedestrian movements.</p> <p><u>Staff Comment:</u> See FOF 19 and FOF 21 subsection C, Landscaping above, Zoning Development Standard: Landscaping. No new landscaping is proposed or required by the City's landscaping regulations.</p>
N/A	<p>e. Access</p> <p>Location and Consolidation: Providing access points on side streets or frontage streets rather than directly onto arterial streets and consolidation of ingress and egress points on the site and, when feasible, with adjacent properties.</p> <p><u>Staff Comment:</u> N/A. The proposed scope of work is limited to a 25-foot extension to an existing 150-foot emergency communications tower. Access to the site was approved as part of the original site development.</p>
	<p>Internal Circulation: Promoting safety and efficiency of the internal circulation system, including the location, design and dimensions of vehicular and pedestrian access points, drives, parking, turnarounds, walkways, bikeways, and emergency access ways.</p> <p><u>Staff Comment:</u> N/A. The proposed scope of work is limited to a 25-foot extension to an existing 150-foot emergency communications tower. Access to the site was approved as part of the original site development.</p>
	<p>Loading and Delivery: Separating loading and delivery areas from parking and pedestrian areas.</p> <p><u>Staff Comment:</u> N/A. The proposed scope of work is limited to a 25-foot extension to an existing 150-foot emergency communications tower. Access to the site was approved as part of the original site development.</p>
	<p>Transit and Bicycles: Providing transit, carpools and bicycle facilities and access.</p> <p><u>Staff Comment:</u> N/A. The proposed scope of work is limited to a 25-foot extension to an existing 150-foot emergency communications tower. Access to the site was approved as part of the original site development.</p>
	<p>Pedestrians: Providing safe and attractive pedestrian connections between parking areas, buildings, public sidewalks and adjacent properties.</p> <p><u>Staff Comment:</u> N/A. The proposed scope of work is limited to a 25-foot extension to an existing 150-foot emergency communications tower. Access to the site was approved as part of the original site development.</p>

N/A	<p>f. Open Space: Incorporating open spaces to serve as distinctive project focal points and to provide adequate areas for passive and active recreation by the occupants/users of the site.</p> <p><u>Staff Comment:</u> N/A. The proposal is limited to the 25-foot extension to an existing 150-foot emergency communication tower. The project site is already developed. Undeveloped spaces with mature vegetation are located on the north, east, and south portions of the property.</p>
✓	<p>g. Views and Public Access: When possible, providing view corridors to shorelines and Mt. Rainier, and incorporating public access to shorelines</p> <p><u>Staff Comment:</u> The proposed 25-foot emergency communication tower extension would not block view corridors to shorelines or Mt. Rainier. The public access requirement is not applicable to the proposal.</p>
✓	<p>h. Natural Systems: Arranging project elements to protect existing natural systems where applicable.</p> <p><u>Staff Comment:</u> The proposed 25-foot emergency communication tower extension is within existing building and tower footprint does not affect existing natural systems</p>
✓	<p>i. Services and Infrastructure: Making available public services and facilities to accommodate the proposed use:</p>
	<p>Police and Fire.</p> <p><u>Staff Comment:</u> Police and Fire Prevention staff indicated that sufficient resources exist to furnish services for the proposal. A Fire Impact Fee would not be required for the proposal.</p>
	<p>Parks and Recreation.</p> <p><u>Staff Comment:</u> There are no impacts to parks.</p>
	<p>Schools.</p> <p><u>Staff Comment:</u> There are no impacts to schools.</p>
	<p>Water and Sewer.</p> <p><u>Staff Comment:</u> N/A. No new water or sewer service is needed for the proposal</p>
	<p>Drainage.</p> <p><u>Staff Comment:</u> N/A. No drainage improvements are needed for the proposal</p>
	<p>Transportation.</p> <p><u>Staff Comment:</u> Access to the site is proposed via existing streets. No increase in traffic is anticipated as a result of the proposal and no transportation impact fee is required.</p>
N/A	<p>j. Phasing: The applicant is not requesting any additional phasing.</p>

22. **Conditional Use Analysis:** The applicant's request to extend the height of an existing 150-foot emergency communications tower and additional 25-feet is located in a government facility use within the IL zoning designation. Pursuant to RMC 4-2-060G, government facilities require a Hearing Examiner Conditional Use Permit. The proposal is a 17-percent increase in height and therefore requires a new conditional use permit. The proposal is compliant with the following conditional use criteria, pursuant to RMC 4-9-030. Therefore, staff recommends approval of the requested Conditional Use Permit.

Compliance	Conditional Use Criteria and Analysis
✓	<p>a. Consistency with Plans and Regulations: The proposed use shall be compatible with the general goals, objectives, policies and standards of the Comprehensive Plan, the zoning regulations and any other plans, programs, maps or ordinances of the City of Renton.</p> <p><i>Staff Comment: See FOF 18 and FOF 19 for Comprehensive Plan and zoning regulation compliance, respectively.</i></p>
✓	<p>b. Appropriate Location: The proposed location shall not result in the detrimental overconcentration of a particular use within the City or within the immediate area of the proposed use. The proposed location shall be suited for the proposed use.</p> <p><i>Staff Comment: The applicant contends that the government facility use is already established on the project site. The applicant's request is to increase an existing 150-foot emergency communications tower and additional 25-feet in order to upgrade the facilities emergency responder system as approved by King County voters. The proposed extension to the tower will not require a new tower to be constructed. The emergency communications tower is a component of the King County Office of Emergency Management and is suited for the use.</i></p> <p><i>Staff concurs with the applicant's assertion that the proposed location is the appropriate location for the tower extension. The project site is already serving as the emergency management office. No new ground disturbances or site work would be needed to extend the tower.</i></p>
✓	<p>c. Effect on Adjacent Properties: The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property.</p> <p><i>Staff Comment: The applicant contends that there will be no effect on adjacent properties as a result of the proposed 25-foot tower extension. The applicant cites several Bonneville Power Administration towers of similar heights are within the immediate area of the existing emergency communications tower.</i></p> <p><i>Staff concurs with the applicant's assertion that no adverse effects will occur on adjacent properties. Photosimulations provided by the applicant indicate minimal viewshed impacts and no blockage of view corridors. The existing tower is located within the center of the 9.63 acre project site and is substantially setback from property lines. Topography, mature vegetation, and the tower's location mitigate adverse effects on adjacent property.</i></p>
✓	<p>d. Compatibility: The proposed use shall be compatible with the scale and character of the neighborhood.</p> <p><i>Staff Comment: The applicant contends the proposed tower extension is compatible with the scape and character of the neighborhood. The applicant cites again the nearby BPA towers of similar height and the proposed extension of only 25-feet. Additionally, the applicant cites the prominence of surrounding government uses on the north and west adjacent properties.</i></p> <p><i>Staff concurs with the applicant's assertion that the use is compatible with scale and character of the neighborhood. The existing government use is already established and a 17 percent increase in height would not result in the use becoming incompatible. Photosimulations indicate minimal viewshed impacts and use of the</i></p>

	<i>project site and abutting properties with City and County facilities is consistent with the character of the neighborhood.</i>
✓	<p>e. Parking: Adequate parking is, or will be made, available.</p> <p><u>Staff Comment:</u> The applicant contends the existing facility has adequate parking and the proposed extension will not require any additional parking</p> <p>Staff concurs with the applicant's assertion that adequate parking is available. The 25-foot increase to the existing emergency communication tower's height will not impact the parking demand of the subject site. No evidence of inadequate parking was identified while reviewing the application.</p>
✓	<p>f. Traffic: The use shall ensure safe movement for vehicles and pedestrians and shall mitigate potential effects on the surrounding area.</p> <p><u>Staff Comment:</u> The applicant contends that no traffic impacts are associated with these types of facilities as they are unmanned and require infrequent maintenance.</p> <p>Staff concurs there would be no traffic impacts as a result of the tower extension as the tower is existing and no new staff would be required due to the increase in height. The 25-foot increase to the existing emergency communication tower's height will not impact vehicle or pedestrian circulation on or around the subject property. No new vehicle trips are anticipated for the extension and therefore no transportation impact fee or offsite mitigation is needed.</p>
✓	<p>g. Noise, Light and Glare: Potential noise, light and glare impacts from the proposed use shall be evaluated and mitigated.</p> <p><u>Staff Comment:</u> The applicant contends the proposed tower extension will not create significant noise, light, or glare impacts. The Federal Aviation Administration will not require the tower to be lighted beyond the required and existing red flashing beacon for aircraft warning of an airspace obstruction.</p> <p>Staff concurs that the 25-foot increase to the existing emergency communication tower's height will result in no new noise, light, or glare. To clarify, the existing red flashing beacon on the tower would be relocated to the top of the tower extension as required by the Federal Aviation Administration.</p>
✓	<p>h. Landscaping: Landscaping shall be provided in all areas not occupied by buildings, paving, or critical areas. Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use.</p> <p><u>Staff Comment:</u> The applicant contends that no changes are proposed to the landscaping as the scope of work is limited to the tower extension.</p> <p>Staff concurs no additional landscaping is needed. The existing government facility development already contains appropriate landscaping including mature vegetation in relatively large width along the property lines abutting residential uses.</p>

23. **Variance Analysis:** The applicant is requesting a height variance for the 25-foot extension to the existing 150-foot emergency communications tower or a total tower height of 175-feet. Pursuant to RMC 4-2-130A, Development Standards for Industrial Zoned Property, the maximum height is 100-feet. The proposal is compliant with the following variance criteria, pursuant to RMC 4-9-250. Therefore, staff recommends approval of the requested Variance.

Compliance	Variance Criteria and Analysis
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✓	<p>i. That the applicant suffers practical difficulties and unnecessary hardship and the variance is necessary because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings of the subject property, and the strict application of the Zoning Code is found to deprive subject property owner of rights and privileges enjoyed by other property owners in the vicinity and under identical zone classification.</p> <p><u>Staff Comment:</u> The applicant contends the current tower height of 150-feet is ineffective for transmitting and receiving emergency radio communications within the updated network. The proposed 175-foot height is the minimum tower height needed to achieve reliable communications.</p> <p>Staff concurs the applicant suffers practical difficulties and unnecessary hardship. The existing 150-foot tower does not provide adequate height to transmit emergency responder signals to the corresponding tower located on Capitol Hill in Seattle. The applicant is requesting a 25-foot increase to the existing tower for a total of 175-feet, which is the minimum necessary height for transmission. This special circumstance is applicable to the topography, location and surroundings of the subject property as it results in the inability to implement the PSERN voter approved measure to upgrade the region's emergency response network. Abutting IL zoned properties provide governmental facilities management services for City and County operations. The application of the 100-foot building height limitation deprives the subject property owner its fundamental duty to implement emergency management for King County.</p>
✓	<p>j. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.</p> <p><u>Staff Comment:</u> The applicant contends the purpose and goal of the regional emergency communications network is to promote public safety and welfare. An update/expansion to the current system would further promote public safety and welfare.</p> <p>Staff concurs that the granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements. The purpose is to implement a voter approved measure to upgrade emergency responder communications. The existing tower and its proposed extension is located in the center of a 9.63 acre site that abuts other governmental facility uses. The existing red flashing beacon would be relocated to the top of the extended tower for low flying aircraft as required by the Federal Aviation Administration.</p>
✓	<p>k. That approval shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is situated.</p> <p><u>Staff Comment:</u> The applicant contends the BPA towers within the vicinity of the subject property are similar heights to the emergency communication tower and the BPA towers also provide a service to the public. The IL zone allows government facility uses and the tower extension is an addition to an existing use.</p> <p>Staff concurs that a variance approval would not be a grant of special privilege inconsistent with other uses in the vicinity and zone. King County voters chose to upgrade the existing emergency response system. The King County Office of Emergency Management is a permitted and approved use located in the IL zone that provides</p>

	<i>communication services to emergency responders. In order for the facility to implement the PSERN voter measure, the existing 150-foot tower must be extended.</i>
✓	<p>I. That the approval is a minimum variance that will accomplish the desired purpose.</p> <p><u>Staff Comment:</u> <i>The applicant contends the 25-foot extension to the existing 150-foot emergency communication tower is needed to locate three microwave antennas that connect, as determined by field path analysis, to the towers located on Capitol Hill in Seattle.</i></p> <p><i>Staff concurs the approval is the minimum needed to accomplish the desired purpose as stated by the applicant.</i></p>

I. CONCLUSIONS:

1. The subject site is located in the Employment Area (EA) Comprehensive Plan designation and complies with the goals and policies established with this designation, see FOF 18.
2. The subject site is located in the Light Industrial (IL) zoning designation and complies with the zoning and development standards established with this designation see FOF 19.
3. The proposal complies with the Critical Areas Regulations, see FOF 20.
4. The proposal complies with Site Plan Review approval criteria, see FOF 21
5. The proposal complies with Conditional Use Permit approval criteria, see FOF 22
6. The proposal complies with Variance approval criteria, see FOF 23.

J. RECOMMENDATION:

Staff recommends approval of the **King County PSERN Emergency Communication Tower Extension**, File No. LUA16-000418, as depicted in Exhibits 3 and 5, subject to the following condition:

1. The applicant shall identify on the building permit construction sheets the extension and antenna color scheme that is similar to the existing tower as indicated in the applicant's narrative.